

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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MICHAEL PAVLYIK,

Petitioner,

v.

PATRICK NOGAN,

Respondent.

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Civ. No. 19-17691 (NLH)

**MEMORANDUM OPINION & ORDER**

APPEARANCES:

Michael Pavlyik  
695073  
East Jersey State Prison  
Lock Bag R  
Rahway, NJ 07065

Petitioner Pro se

Christine A. Hoffman, Acting Gloucester County Prosecutor  
Dana R. Anton, Acting Senior Assistant Prosecutor  
Office of the County Prosecutor  
P.O. Box 623  
Woodbury, NJ 08096

Attorneys for Respondent

HILLMAN, District Judge

WHEREAS, Petitioner Michael Pavlyik filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, see ECF No. 1; and

WHEREAS, the Court ordered Respondent to answer on July 8, 2020, see ECF No. 6; and

WHEREAS, the order directed Respondents to "respond to each factual and legal allegation of the Amended Petition, in accordance with Habeas Rule 5(b)." Id.; and

WHEREAS, the order directed that "Respondents' answer shall adhere to the requirements of Habeas Rule 5(c) and (d) in providing the relevant state court record of proceedings, including any pro se filings," id.; and

WHEREAS, Habeas Rule 5(c) directs Respondent to "indicate what transcripts (of pretrial, trial, sentencing, or post-conviction proceedings) are available, when they can be furnished, and what proceedings have been recorded but not transcribed. The respondent must attach to the answer parts of the transcript that the respondent considers relevant." 28 U.S.C. § 2254 Rule 5(c); and

WHEREAS, Rule 5(d) directs Respondent to include all briefs submitted by the Petitioner to the state courts; and

WHEREAS, Respondent's exhibits consist of the judgment of conviction, the Appellate Division decision on direct appeal, and the Appellate Division decision on post-conviction review. ECF No. 10-1. No transcripts have been submitted. Respondent also has not submitted the decision of the court denying Petitioner's post-conviction relief motion; and

WHEREAS, the Court finds that the submitted answer does not conform to this Court's order and the Rules Governing § 2254 Proceedings,

THEREFORE, IT IS on this 4th day of February, 2021

ORDERED that Respondent shall file an amended answer within 45 days of this order. The amended answer shall comply with the Court's July 8, 2020 order and the Rules Governing § 2254 Proceedings; and it is further

ORDERED that Petitioner may have 45 days from receipt of the amended answer to file a response; and it is finally

ORDERED that the Clerk shall send Petitioner a copy of this Order by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.